

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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EUGENE FLOYD,

Plaintiff,

Case No. 1:07-cv-793

v.

Honorable Wendell A. Miles

STATE OF MICHIGAN,

Defendants.

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**ORDER DENYING LEAVE TO PROCEED IN FORMA PAUPERIS ON APPEAL**

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. On September 18, 2007 (docket ##3-4), the Court entered an order denying Plaintiff leave to proceed *in forma pauperis* because he has “three strikes” within the meaning of 28 U.S.C. § 1915(g). Plaintiff has now filed a notice of appeal, but has failed to submit the \$455.00 filing fee. As outlined in the Court’s memorandum opinion and order denying him pauper status based on § 1915(g), Plaintiff is barred from proceeding *in forma pauperis* on this appeal. Plaintiff has thirty days from the date of entry of this order to pay the entire filing fee for appealing a civil action, which is \$455.00, to the Clerk of this Court. Plaintiff’s failure to comply with this order may result in dismissal of this appeal without prejudice by the Sixth Circuit Court of Appeals.

Dated: October 22, 2007

/s/ Wendell A. Miles

Wendell A. Miles

Senior U.S. District Judge

**SEND REMITTANCES TO THE FOLLOWING ADDRESS:**

Clerk, U.S. District Court

399 Federal Building

110 Michigan Street, NW

Grand Rapids, MI 49503

**All checks or other forms of payment shall be payable to “Clerk, U.S. District Court.”**